

CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S. Special Permit #1973

DATE: May 1, 2002

PROPOSAL Three Eagles of Lincoln on behalf of KFOR Radio is proposing a 100' tall broadcast tower designed to accommodate antennas for the operation of the radio station.

LAND AREA: Approximately 2.6 acres.

CONCLUSION: This is an appropriate location for a broadcast tower, and the request complies with the requirements of the Zoning Ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION

LEGAL DESCRIPTION: Lot 3, Reller Addition; Lot 2, Reller First Addition; and Lot 102 I.T., Section 7, T10N, R7E, Lancaster County, Nebraska.

LOCATION: 3800 Cornhusker Highway

**OWNER/
APPLICANT:** Three Eagles of Lincoln
6900 Van Dorn Street Suite 11
Lincoln, NE 68506 (402)483-5100

CONTACT: Donald Bowman
1045 Lincoln Mall Suite 100
Lincoln, NE 68508 (402)476-8005

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: Social Hall

SURROUNDING LAND USE AND ZONING:

North	Mobile Home Park	H-3, I-1
South	BNSF Railroad	I-1
East	Retail/Restaurant	H-3
West	Auto Repair	H-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates this area along Cornhusker Highway corridor as commercial, bounded on the north and south by industrial.

ANALYSIS

OVERVIEW:

KFOR Radio is proposing to move their studio to this site, formerly home of the VFW Club, and is requesting a special permit to erect a 100' broadcast tower as part of the relocation. Programming will be received via ground-based satellite dish antennas and rebroadcast to sister stations from antennas located on the tower.

While a distinction is made between this tower which is being built for radio broadcast and those built to support cellular telephone and PCS antennas, LMC Section 27.63.150 requires that the request be reviewed using Chapter 27.68 (Personal Wireless Facilities) for the purpose of zoning review. Review using those criteria follows.

STANDARDS FOR EVALUATION:

Conformity with Comprehensive Plan.

1. The Comprehensive Plan designates commercial uses along this portion of the Cornhusker Highway corridor, bounded by land designated for industrial uses. This request is consistent with the types of land uses recommended by the Land Use Plan.

Preference of site location in accordance with Chapter 27.68.080.

2. This application is considered a Preferred Location Site - a site in a commercially or industrially-zoned district in which the facility is minimally intrusive.

Compatibility with abutting property and land uses.

3. This site is located in the H-3 district bounded on the north and south by I-1 zoning. With the exception of the mobile home park to the north, surrounding uses are commercial and industrial in nature, and a radio broadcast studio is compatible with both the existing uses, and the potential future land uses allowed by current zoning.

Adverse impacts such as visual, environmental or noise impacts.

4. The proposed site for the tower is in the southern corner of the "L"-shaped building. There is a mobile home park to north of the site, and the proposed location attempts to maintain the maximum amount of separation from those homes. As proposed, this site provides the greatest screening to the homes to the north by placing the tower south of the building and facing it towards Cornhusker Highway and the industrial uses to the south.

Availability of suitable existing structures for antenna mounting.

5. Several antennas must be located on the tower to accommodate the needs of the broadcast company, and there are no suitable structures in the area capable of this.

Scale of facility in relation to surrounding land uses.

6. Compatibility of scale is provided by the zoning pattern that allows office, commercial and industrial uses along the Cornhusker Highway corridor. Existing development in the area includes auto repair, the BNSF rail line and an adjacent power transmission line, large industrial buildings south of the highway, as well as Cornhusker Highway.

Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.

7. There is no negative impact on views, vistas, or historic structures/districts.

Color and finish.

8. The tower will have a galvanized finish consistent with LMC 27.68.100.

Ability to collocate.

9. This tower is not being constructed to accommodate the wireless facilities contemplated by Chapter 27.68 (Personal Wireless Facilities), but rather to support the broadcast antennas for a radio station. The need for the tower is demonstrated by the requirement for a radio station to broadcast radio signals, and the tower is at its designed capacity supporting those facilities needed to operate the station. Additionally, the applicant states that collocation of wireless facilities would cause signal interference.

While not specifically related to collocation, the issue of the existing special permit (SP#1176) allowing the KFOR broadcast tower at 6900 Van Dorn Street should be addressed. The applicant is encouraged to allow the facility to be used as either a broadcast tower for a radio station or to accommodate wireless carriers seeking to enhance coverage in the area. However, if it will not be used in this manner, it is recommended that the tower be removed and the existing special permit be withdrawn.

Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.

10. As noted previously, the proposed site makes the best use of the screening effect using the existing building. However, the City of Lincoln Design Standards Chapter 3.50, Section 7.9 requires trees to be planted that screen 70% of the tower from the ground to a height of 8', with 50% or more of the trees growing to a mature height of 35'. The landscape plan submitted does not meet this requirement, and needs to be revised to reflect a planting schedule that provides this screen. This will enhance the screening effect for the properties to the north, as well as the view of the facility from Cornhusker Highway.

Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.

11. This is a preferred location site.

CONDITIONS

1. Site Specific:

1.1 This approval authorizes a 100' broadcast tower consistent with the site plan submitted.

2. General:

2.1 Prior to issuance of building permits:

2.1.1 Submission of a revised site plan that complies with the City of Lincoln Design Standards for broadcast towers, subject to the approval of the Parks and Recreation Department.

2.1.2 The applicant shall provide documentation demonstrating that the tower authorized by SP#1176 is being re-used as a broadcast tower (for either a radio station or for personal wireless facilities) within one year of approval of this special permit, or the applicant shall submit a request to the City to withdraw SP#1176.

3. Standard:

3.1 The following conditions are applicable to all requests:

3.1.1 Before operating this broadcast tower, all development and construction is to comply with the approved plans.

3.1.2 The facility shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.

3.1.3 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

3.1.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.1.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.1.6 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner



Area of Application

Cornhusker Hwy

N. 39th St. Cl

N. 38th St

N. 35th St

N. 40th St

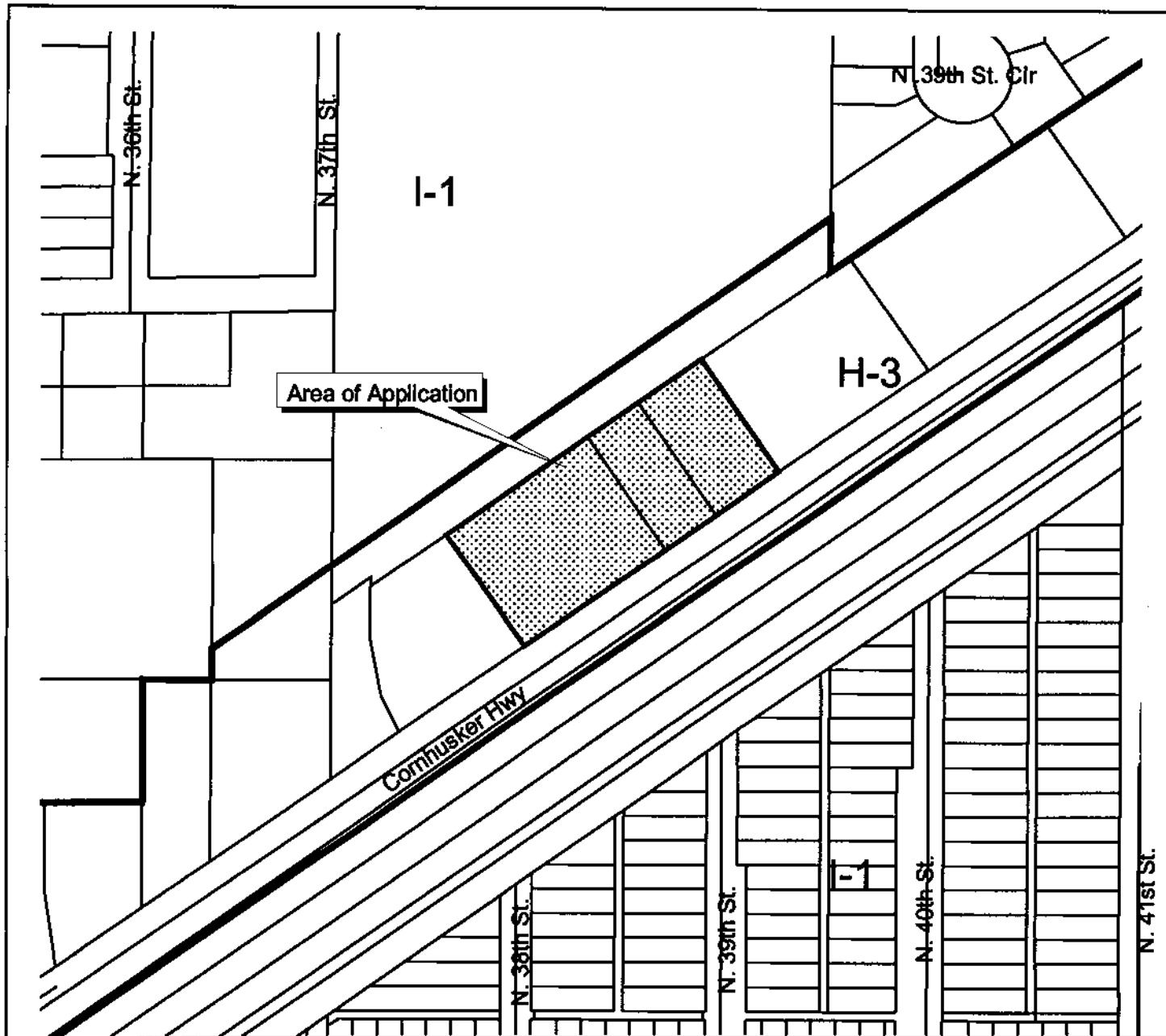
N. 41st St

Special Permit #1973
3800 Cornhusker Hwy.



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.



Special Permit #1973 3800 Cornhusker Hwy.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 7 T10N R7E

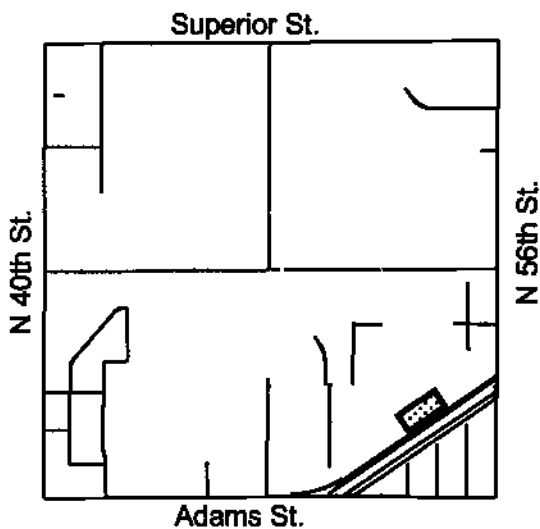
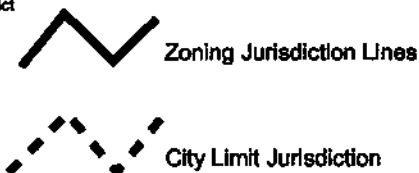
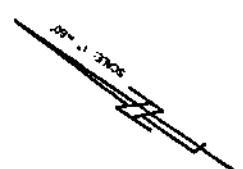
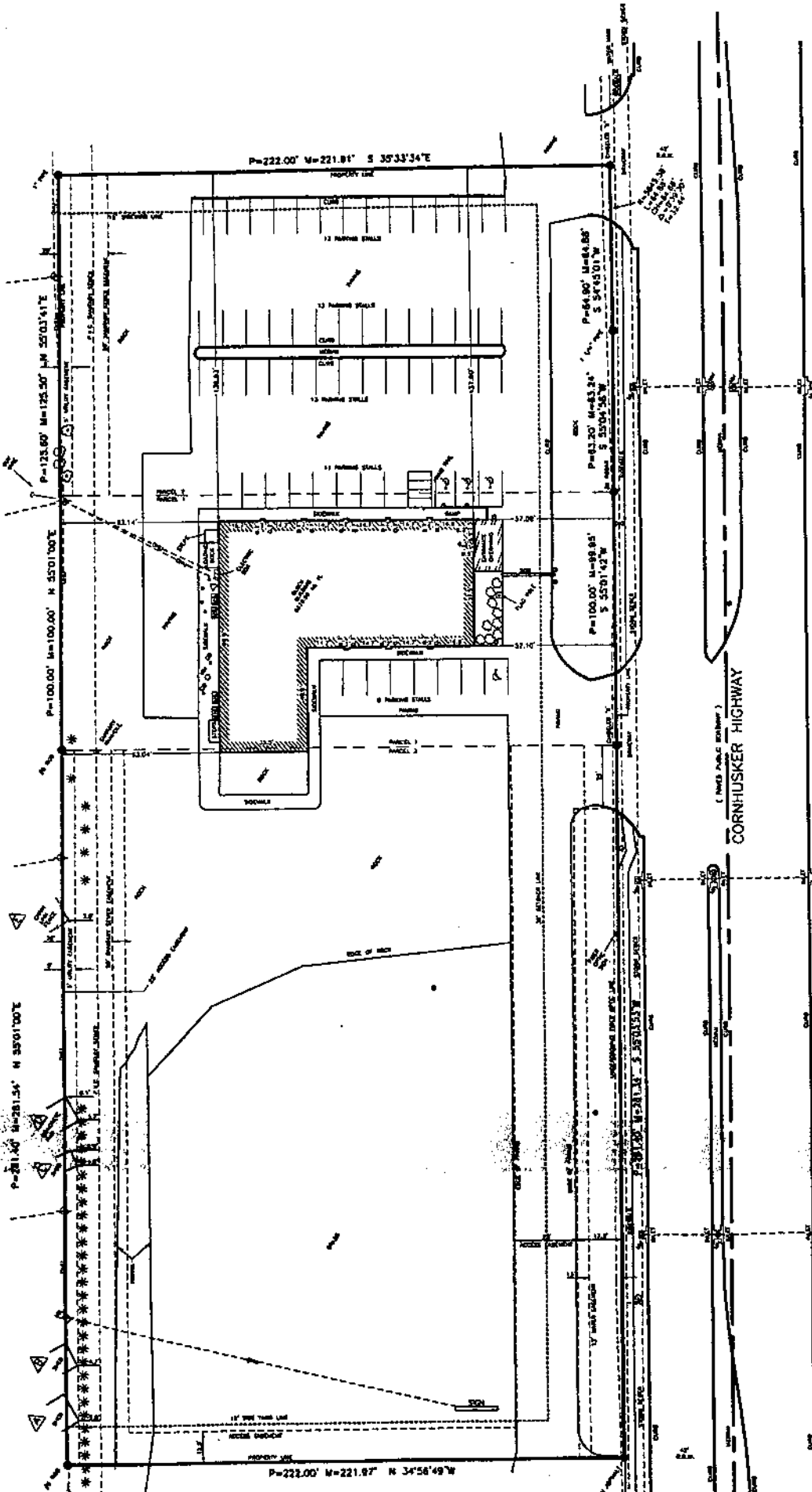


EXHIBIT A-4



RECEIVED
APR 17 2002
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

EXHIBIT A-4

222'

127'

Reller Addition Lot 3
(parking lot)

3810 Cornhusker

100'

Lot 102

VFW Post 131

3800 Cornhusker

Tower location
(proposed)

60'

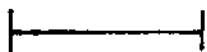
60'

Reller 1st Addition Lot 2 (overflow park)

281'

3750 Cornhusker

Scale:
1"=60'



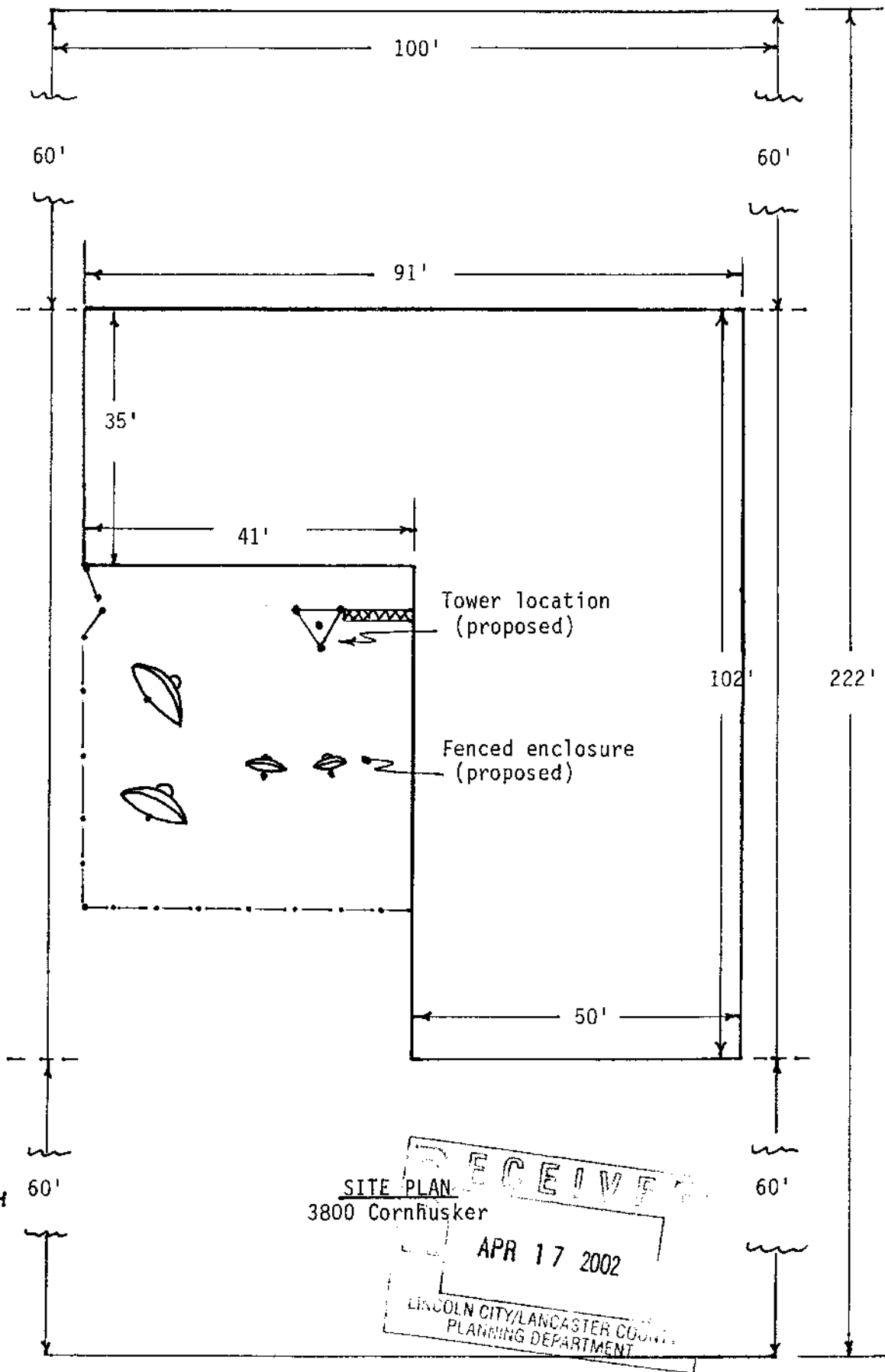
SITE PLAN - 3750-3810 Cornhusker



APR 17

LINCOLN CITY PLANNING
DEPARTMENT

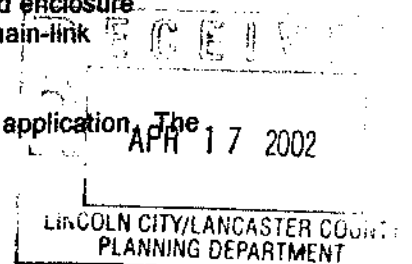
EXHIBIT A-5



Wireless Facility Application

Three Eagles of Lincoln, Inc.
Radio Stations KFOR, KFRX, KRKR, KLMS

1. Applicant: Three Eagles of Lincoln, Inc., 6900 Van Dom Street, suite 11. Phone 483-5100.
2. Contact person: Don Bowman
3. Owner-operator: Three Eagles of Lincoln, Inc., Gary Buchanan, President
4. Documentation of property owner.
5. Permission statement: (does not apply...to be operated by owner)
6. Boundaries: TEC seeks to construct and operate an 80 foot tower (overall height 100 feet) adjacent to its proposed new studio facility at 3800 Cornhusker. The tower is to be located on Irregular Tract Lot 102, SE 7-10-7, Lancaster County Parcel ID 17-07-402-003-000. TEC will also own the adjacent property at 3750 Cornhusker, Lancaster County Parcel ID 17-07-420-002-000, and at 3810 Cornhusker, Parcel ID 17-07-411-003-000. All transmitting and receiving equipment associated with the tower will be located inside the studio building. The tower and satellite receiving antennas will be located inside a fenced enclosure attached to the building. See Exhibits B-1, 2, 3, 4.
7. Plot plan. See Exhibits A-1, 2, 3, 4, 5. The site is located in an H3 zoning area. Proposed changes to the area include tower construction and landscaping improvements. Access to the site will present no new road construction requirements. The site lies in a predicted 500 year flood zone.
8. Sight lines and photographs. See Exhibits C-1, 2, 3 ; D. The site is not located in a public view corridor.
9. Siting elevations. See Vertical Plan Sketch, Exhibit D. Ground elevation at site: 1150 feet above Mean Sea Level.
10. Existing site photographs. See Exhibits E-1, 2, 3.
11. Proposed site photographs. See Exhibits F-1, 2, 3, 4.
12. Landscape plan. See Exhibit G.
13. Locations preference. (does not apply...site must be adjacent to studio building)
14. Equipment description. See Exhibit H-1. The proposed structure is an ERI Model 80-SS self-supporting galvanized steel tower 80 in height (100 feet overall height above ground). The tower is to be engineered and constructed to meet TIA/EIA RS-222F and A/SC Specification for 80 mph basic wind survival plus 70 mph survival with 0.5" radial ice under the specified loading conditions.
15. Equipment mounted on the tower is to be of anodized aluminum, galvanized steel, or fiberglass construction.
16. The proposed tower and satellite antennas will be contained inside a fenced enclosure attached to the studio building. The fencing material will be galvanized steel chain-link construction, 8 feet in height.
17. Visual effects. The proposed tower is the minimum height required for the application.



tower will not be illuminated with artificial lighting.

18. Maintenance and monitoring. The tower and associated antenna equipment will be continuously monitored by station personnel working inside the adjacent building. Inspections of the tower will be performed on a weekly basis by station personnel.

19. Federal Documentation. The FCC licenses of transmitting equipment to be operated from the proposed facility are located at the offices of Three Eagles of Lincoln. Following is a listing of proposed facilities. The tower height falls below the minimum required for FAA notification and is not located in a restricted airport approach area.

Call	Frequency	Class	Description
KFOR	946.0	STL	Program link to transmitter
KFRX	949.5	STL	Program link to transmitter
KRKR	951.0	STL	Program link to transmitter
KLMS	950.0	STL	Program link to transmitter
KFOR	161.67	RPU	Remote pickup receive
KFRX	455.1125	RPU	Remote pickup receive
KFRX	450.0500	RPU	Remote pickup receive
KLMS	161.73	RPU	Remote pickup receive
KRKR	455.9900	TRL	Telemetry link to studio receive
WB0JBW	146.16	Amateur	Storm spotter link to repeater

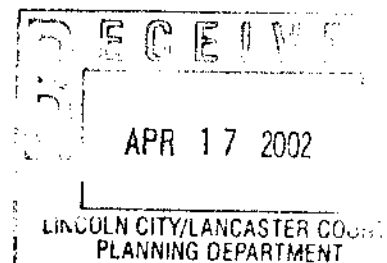


EXHIBIT D

VERTICAL PLAN SKETCH

Three Eagles of Lincoln, Inc.

New Studio Facility
3800 Cornhusker

Radio Stations
KFOR, KFRX, KRKR, KLMS

